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5 **UNITED STATES DISTRICT COURT**

6 **DISTRICT OF NEVADA**
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8 UNITED STATES OF AMERICA,

9 Plaintiff,

10 v.

11 GREGORIO ALONZO HERNANDEZ,

12 Defendant.
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Case No. 2:10-cr-00245-KJD-LRL

ORDER

14 Presently before the Court is Defendant's Motion for Compassionate Release (#71). The
15 Government filed a response (#72).

16 "The court may not modify a term of imprisonment once it has been imposed except . . .
17 upon motion of the Director of the Bureau of Prisons" and "after considering the factors set forth
18 in section 3553(a) to the extent that they are applicable, if it finds that— (i) extraordinary and
19 compelling reasons warrant such a reduction; or (ii) the defendant is at least 70 years of age, has
20 served at least 30 years in prison . . . and a determination has been made by the Director of the
21 Bureau of Prisons that the defendant is not a danger to the safety of any other person or the
22 community." 18 U.S.C. § 3582(c).

23 First, Defendant has not provided a motion from the Director of the Bureau of Prisons.
24 The statute upon which Defendant relies makes clear that this Court cannot modify Defendant's
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1 term of imprisonment except “upon motion of the Director of the Bureau of Prisons.” 18 U.S.C.
2 § 3582(c). Additionally, Defendant is 66 years old, and is currently serving the last year of his
3 ten-year sentence; he is scheduled for release in May of 2019. Thus, no statutory basis exists for
4 Defendant’s request, and this Court is without authority to grant Defendant the relief he seeks.

5 Accordingly, IT IS HEREBY ORDERED that Defendant’s Motion for Compassionate
6 Release (#71) is **DENIED**.

7 Dated this 1st day of May, 2018.

A handwritten signature in black ink, appearing to read "Kent J. Dawson", is written over a horizontal line.

Kent J. Dawson
United States District Judge